

REMARKS

This responds to the Office Action mailed on October 26, 2007.

Claims 1, 13, 16, 21, and 28 are amended, and claim 32 is cancelled without prejudice or disclaimer. Claims 1-31 are pending in this application.

§112 Rejection of the Claims

Claim 32 was rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. The Claim 32 has been cancelled without prejudice or disclaimer.

§102 Rejection of the Claims

Claims 1-32 were rejected under 35 U.S.C. § 102(e) for anticipation by Bain (U.S. 2005/0021175A1). Claim 32 has been cancelled without prejudice or disclaimer.

Claim 1-12

Applicant has amended claim 1 to better describe the subject matter recited in the claim. Applicant believes claim 1 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: a machine adapted to dispense the one or more filled prescription containers to the customer in response to a customer request, the customer request including a one-time use, unique code, which is incapable of being reused, as recited in claim 1. In contrast, the cited reference discusses using the patient's name, telephone number, and a personal identification number. (See Para. [0060]. This information is clearly capable of being reused.

Claims 2-12 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 13-15

Applicant has amended claim 13 to better describe the subject matter recited in the claim. Applicant believes claim 13 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: a machine dispensing the one or more filled prescription containers to a customer in

response to a customer request including a one-time use, unique code, which is incapable of being reused, as recited in claim 13. Again, the cited reference discusses using the patient's name, telephone number, and a personal identification number. (See Para. [0060]. This information is clearly capable of being reused.

Claims 14-15 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 16-20

Applicant has amended claim 16 to better describe the subject matter recited in the claim. Applicant believes claim 16 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: a dispensing mechanism to hold each of the one or more filled prescription containers in a first location which is inaccessible to a user while an order is being filled, the dispensing mechanism controlled to release all of the one or more filled prescription containers to a pick-up area in a second location, which is accessible to the user only after the order has been entirely filled.

Claims 17-20 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 21-27

Applicant has amended claim 21 to better describe the subject matter recited in the claim. Applicant believes claim 21 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: a machine adapted to dispense a filled prescription container to the customer in response to a customer request including a one-time use, unique code, which is incapable of being reused, as recited in claim 21. Again, the cited reference discusses using the patient's name, telephone number, and a personal identification number. (See Para. [0060]. This information is clearly capable of being reused.

Claims 22-27 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 28-30

Applicant has amended claim 28 to better describe the subject matter recited in the claim. Applicant believes claim 28 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: dispensing machine holding each of the one or more filled prescription containers in a first location which is inaccessible to a user while the customer request is being filled, the dispensing machine releasing all of the one or more filled prescription containers to a pick-up area at a second location, which is accessible to the user only after the customer request has been entirely filled.

Claims 29-30 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claim 31

Applicant traverses the rejection of claim 31. Applicant believes claim 31 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: the unlabeled prescription medication is labeled with patient specific information by the automatic dispensing machine before being dispensed, as recited in claim 31. Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claims 12 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bain in view of Coughlin et al. (U.S. 6,883,681).

Claims 12 and 22 include each limitation of their parent claims and are not obvious in view of the cited combination since, even if combined, the combination does not include the subject matter discussed above for the respective parent claims. Reconsideration and allowance is respectfully requested.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/706,311

Filing Date: November 12, 2003

Title: AUTOMATIC PRESCRIPTION DRUG DISPENSER

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Dkt: 1326.007US1

Claim 32 was rejected under 35 USC § 103(a) as being unpatentable over Hart et al. (U.S. 7,006,893) in view of Bain. Claim 32 has been cancelled without prejudice or disclaimer.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 1/26/2007

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of January 2007.

KIMBERLY BROWN

Name


Signature